

SILVERMANACAMPORA LLP
Attorneys for the Debtor
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Presentment Date: March 13, 2019
Time: 12:00 p.m.

Objection Deadline: March 13, 2019
Time: 11:30 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SCOTT WIENER,

Chapter 7
Case No.: 18-13042 (JLG)

Debtor.

**NOTICE OF PRESENTMENT OF
MOTION TO WITHDRAW AS COUNSEL TO THE DEBTOR**

PLEASE TAKE NOTICE, that on **March 13, 2019 at 12:00 p.m.**, SilvermanAcampora LLP (the “**SilvermanAcampora**”) will present a proposed order to the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, Alexander Hamilton U.S. Custom House, Courtroom 601, One Bowling Green, New York, New York 10004 granting the motion (the “**Motion**”) of SilvermanAcampora LLP (the “**SilvermanAcampora**”) seeking entry of an order authorizing the withdrawal of SilvermanAcampora as counsel of record for Scott Wiener, the chapter 7 debtor.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the Motion shall be in writing, filed with the Court electronically in accordance with General Order M-399 by registered users of the Court’s electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 10004-1408, on a CD-Rom or flash drive, preferably in Portable Document format (PDF), WordPerfect or any other Windows-based word processing format (with two, single sided copies delivered directly to the Chambers of Judge James L. Garrity, Jr., United States Bankruptcy Court, Courtroom 601, Alexander Hamilton U.S. Custom House, New York, New York 10004, and served in accordance with

General Order M-399 upon SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: Anthony C. Acampora, Esq., so as to be received no later than **11:30 a.m. on March 13, 2019.**

PLEASE TAKE FURTHER NOTICE, that if a timely objection is filed, a Hearing will be scheduled before the Honorable James L. Garrity, Jr., Alexander Hamilton U.S. Custom House, New York, New York 10004.

Dated: Jericho, New York
February 27, 2019

SILVERMANACAMPORA LLP
Attorneys for the Debtor

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SCOTT WIENER,
Debtor.

Chapter 7
Case No.: 18-13042 (JLG)

MOTION TO WITHDRAW AS COUNSEL TO THE DEBTOR

Pursuant to sections 105(a) and 330 of title 11, United States Code (the "**Bankruptcy Code**"), Rules 9014 and 9020 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), and Rule 2090-1(e) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the "**Local Rules**"), SilvermanAcampora LLP ("**SilvermanAcampora**") respectfully moves this Court for an order authorizing SilvermanAcampora to withdraw as counsel of record for Scott Wiener, the above-referenced chapter 7 debtor (the "**Debtor**") in his chapter 7 bankruptcy proceeding.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).
2. Venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 408 and 1409.
3. The predicates for the relief sought herein are Bankruptcy Code §§105(a) and 330, Bankruptcy Rule 9014, Local Rule 2090-1, and 22 NYCRR Part 1200 (Rule 1.16).

RELEVANT BACKGROUND

4. On October 5, 2018 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code, in the United States Bankruptcy Court for the Southern District of New York (the “**Court**”).

5. As counsel to the Debtor, to date SilvermanAcampora has ensured that all required documents have been filed in the Debtor’s case and that the Debtor has timely complied with requests from the Debtor’s chapter 7 trustee. Additionally, SilvermanAcampora represented the Debtor at his initial Section 341(a) meeting of creditors.

6. On February 27, 2019, the Debtor informed SilvermanAcampora that he no longer wishes for SilvermanAcampora to represent him in his chapter 7 case.

BASIS FOR THE RELIEF REQUESTED

7. The Local Bankruptcy Rules of the Southern District of New York provide that “[a]n attorney who has appeared as attorney of record may withdraw or be replaced only by order of the Court for cause shown.” Local Bankruptcy Rule 2090-1(e). SilvermanAcampora hereby requests that this Court enter an order permitting it to withdraw as counsel to the Debtor.

8. Under the applicable New York Rules of Professional Conduct, a lawyer *shall* withdraw from representation if “the lawyer is discharged.” See 22 NYCRR 1200, Rule 1.16(b)(3). SilvermanAcampora’s request for leave to withdraw should be granted because SilvermanAcampora’s withdrawal complies with New York’s Rules of Professional Conduct.

9. Based on the foregoing, SilvermanAcampora is permitted, pursuant to Rule 1.16(b) of the New York Rules of Professional Conduct, to make the instant motion, and respectfully requests that the Court grant the Motion in its entirety.

WHEREFORE, for the foregoing reasons, SilvermanAcampora respectfully requests that this Court enter an order substantially in the form annexed hereto as **Exhibit A** and grant it such further relief as the Court deems just and proper.

Dated: Jericho, New York
February 27, 2019

SILVERMANACAMPORA LLP
Attorneys for the Debtor

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